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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,014	10/15/2003	Klaus Rieder	964-031708	4898
28289	7590	11/14/2006		
THE WEBB LAW FIRM, P.C. 700 KOPPERS BUILDING 436 SEVENTH AVENUE PITTSBURGH, PA 15219				
			EXAMINER KRUER, STEFAN	
			ART UNIT 3654	PAPER NUMBER

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/686,014	Applicant(s) RIEDER ET AL.	
	Examiner Stefan Krueer	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 3, 7 - 9, 17 - 18 and is/are rejected.
- 7) ☒ Claim(s) 4 - 6, 10 - 16 and 19 - 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2006 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities:

The disclosure uses the term "roller" and "pulley" interchangeably on Page 4, Paragraphs 0023 - 0026, when describing the "pulley carrier 7", "tensioning pulley 6" and "tensioning roller 6", as reflected further in the amended claim language of **Claims 1, 6 – 8 and 13 – 16**. Though it is understood that a "roller" can be interpreted as a "pulley" and vice versa, consistency in terminology is nevertheless of importance.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 – 2, 7 – 8 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Meyers et al (US 3,195,751).

Re: Claims 1 – 2, Meyers et al disclose:

- A stationary vertical mast (C, Fig. 2),
- At least one telescoping lifting mast (C'),
- A lifting carriage (4) that can be moved up and down the lifting mast,
- An accessory hydraulic system (not depicted) fastened (at 64, Fig. 5) to the lifting carriage,
- At least one hydraulic line (53, 57) that discharges at the lifting carriage,
- said line is installed on the lifting frame (Fig. 8),
- said line forming a loop (about 58 and 54) that is open at the top,
- a pulley carrier (3, 61, 62) comprising at least one tensioning roller (54),

- wherein the pulley carrier is movable up and down on the lifting frame, and
- wherein at least one hydraulic line is guided in the vicinity of the loop over the tensioning roller that dips from above into the loop such that a bias force (attributable in part to 61, 62) is exerted on the hydraulic line,
- wherein the weight of the pulley carrier generates said bias force.

Re: Claims 7 and 17, Meyers et al disclose:

- a pulley carrier (3, 61, 62) comprising at least two tensioning rollers (54, 58), over each of which at least one hydraulic line is guided.

Re: Claim 8, Meyers et al disclose:

- wherein the tensioning rollers are oriented in mirror symmetry.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyers et al in view of Lansing Bagnall Ltd (FR 1429685).

Re: Claims 3 and 9, Meyers et al disclose a drive means (27 – 30, 31 – 34, and 18, Fig. 7) effectively connected to the pulley carrier whereby a bias force is exerted on the hydraulic line in concert with the weight (61, 62) of the pulley carrier.

Attention is directed to Lansing Bagnall who teaches his pulley carrier (38, Fig. 3) comprising at least one tensioning roller (37), wherein the pulley carrier is moveable up and down the lifting frame (Pg 3., Col. 2, Line 44), and said tensioning roller dips from above into a loop formed by his hydraulic line (30), for maintaining proper orientation of his hydraulic lines "...for all positions of pulley 37 rising and dropping..." (Pg 4, Line 1) whereby his drive means (35, 27) is effectively connected to the pulley carrier.

It would have been obvious to one of ordinary skill in the art to modify the invention of Meyers et al with the teaching Lansing Bagnall to provide a tensioning means for maintaining the hydraulic lines in a desired orientation without the use of a biasing weight to minimize the overall structure of the assembly.

Re: Claim 18, Meyers et al disclose a pulley carrier (3, 61, 62) comprising at least two tensioning rollers (54, 58), each of which guides at least one hydraulic line.

Allowable Subject Matter

Claims 4 – 6, 10 – 16 and 19 - 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The claims contain allowable subject matter because the teachings of the prior art of record taken as a whole do not show or render obvious the combination set forth including the:

- **Claim 4**, "...tensioning cable fastened to the stationary vertical mast and to the lifting mast..."
- **Claims 5 and 10 - 12**, "...by means of guide rollers on cylinder tubes of lifting cylinders that are located on opposite sides of the lifting mast..."
- **Claims 6 and 13 – 16**, "...by means of guide rollers on cylinder tubes of the lifting cylinders ..."

Response to Arguments

Applicant's arguments with respect to **Claims 1 and 5** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Knapp (DE 4,335,275), Ramsey (3,612,318) and Kato (US 6,505,710) are cited for reference of:

- a conventional means of guiding hydraulic lines for lift masts over diverting rolls in combination with tensioning chains (cables), as well as the use of its guides in combination with their own weight (bias) for stabilization (Col. 1, Line 19 and Col. 2, Line 8),
- an apparatus for hose lines used with lift masts, wherein a tensioning pulley member rests in the loop of the hose for imparting a constant biasing force on the hose,
- and a mast apparatus for forklift trucks having a pulley carrier mounted so that it can move up and down by means of cylinder tubes and guide rollers (alternative to liners) on a lifting mast, said cylinders located on opposite sides of the lifting mast, and a lifting cable connected with said pulley carrier, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Kruer whose telephone number is 571.272.5913. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 571.272.6928. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Art Unit: 3654

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866.217.9197 (toll-free).

SHK

2 November 2006



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